



LIQUOR CONTROL DIVISION

Frequently Asked Questions

Responsible Alcohol Sales and Service Act

- Q. What is the background of the Responsible Alcohol Sales and Service Act?**
A. After the 2009 legislative session, the legislature tasked the Law and Justice Interim Committee with studying the DUI laws in Montana. The committee spent the following year conducting research on the issue. Out of that research the committee proposed 14 bills to the legislature. One of those bills was the Responsible Alcohol Sales and Service Act. The alcohol industry representatives worked closely with the committee and the legislature to modify the bill.
- Q. Who was the sponsor of this bill?**
A. Senator Lynda Moss
- Q. When did this law go into effect?**
A. The training requirement went into effect February 12, 2012. All other portions of the law became effective January 12, 2012.
- Q. Where can I get a copy of the bill and the related administrative rules?**
A. You may visit www.AlcoholServerTraining.mt.gov/server-training.mcp
- Q. Who has to be trained under this law?**
A. Any employee that serves or sells alcohol, their immediate supervisor (whether they serve or sell or not) and any licensee (who personally serves or sells alcohol) is required to obtain training under this law.
- Q. Do volunteer's need to be trained?**
A. Yes. Volunteer's do need to be trained unless they are working under a special permit.
- Q. Do all licensee's need to be trained?**
A. No. Only licensee's that actually serve or sell alcohol themselves need to be trained.
- Q. Do employees who just remove alcohol from the table when cleaning up need to be trained?**
A. No. The law specifically says any employee who "serves or sells" alcohol must be trained.
- Q. How often do my employees need to be trained?**
A. The law says that training must be received every three years from a state approved training program.
- Q. When do new hires have to be trained?**
A. All new hires must be trained within 60 days of hire.
- Q. Does this law apply both to on and off premises locations?**
A. Yes. The law applies to anyone who "serves or sells" alcohol regardless of the type of establishment.



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- Q. Does it matter if you take on-premise or an off-premise class?**
A. No. The law says employees that sell or serve alcoholic beverages must be appropriately trained to comply with state law prohibiting the sale and service of alcoholic beverages to persons under 21 years of age and to persons who are intoxicated. The law does not specify an on-premise course vs. an off-premise course.
- Q. Does this law apply to agency liquor stores?**
A. No. Agency liquor stores are not licensees. They are under contract with the state to provide services.
- Q. Does this law apply to airlines?**
A. No. Airlines are exempt under the law as they are neither a retail establishment or manufacture as the law says.
- Q. If my employees have already received training do they need to be re-trained?**
A. If an employee was trained prior to February 12, 2012 and the training was received no more than three years ago, then no. If it has been more than three years since they received training, then yes. The law says they must have training every three years.
- Q. Is on-line training acceptable?**
A. Yes.
- Q. Can I make my employees pay for the training?**
A. The law is silent on who is financially responsible for the cost of training. You may choose to address that with your employee via an employment agreement or contract. That is between you and your employee.
- Q. Do I need to send in proof of training to the department?**
A. No. However, the law says the licensee must maintain employment records verifying employee completion of the training requirement.
- Q. Who should keep the proof of training?**
A. The original copy should always go with the employee as the training follows them wherever they work. The employer should keep a photocopy in their records.
- Q. How is the law enforced?**
A. The department can enforce this law when a criminal citation has been issued for either sales to underage persons or to intoxicated persons. Once a criminal citation has been issued the department will ask the licensee for proof that the employee who was cited has been trained. If no proof is given, then a separate notice of violation will be issued to the licensee for a no training compliance violation.
- Q. What are the penalties for non-compliance?**
A. Penalties for the licensee are as follows: \$50 penalty for the first offense, a \$200 penalty for the second offense, and a \$350 penalty for the third offense in a 3-year period. There is no criminal penalty for the employee.



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- Q. Can the violation be mitigated?**
A. No. Only the penalty can be mitigated. The count will still go against the license.
- Q. Is a training violation another count on the liquor license?**
A. Yes
- Q. Where can I find a list of approved server training options?**
A. You may visit www.AlcoholServerTraining.mt.gov/preapproved-training.mcp to obtain contact information for all approved programs.
- Q. What is the cost of training?**
A. The cost of training varies depending on the company. The preapproved training programs are all private, for profit companies and have their own fee structure. You will have to contact them directly to obtain fee information. The state's responsible alcohol sales and service training program, **Let's Control It**, can cost up to \$15 per person as a materials fee depending on the trainer.
- Q. When and where is training held?**
A. The location of classes varies depending on the program. Each program will have to be contacted directly to obtain class information.
- Q. How long are classes?**
A. The law requires all programs to be three hours in length.
- Q. Will a certificate of completion be issued when training is complete?**
A. Yes. All training companies issue some sort of proof of training. It may be a certificate or a wallet card.
- Q. Is the state going to reimburse us for the cost of training?**
A. No.